

BEFORE THE FISH AND WILDLIFE COMMISSION
OF THE STATE OF MONTANA

In the matter of the amendment of ARM) NOTICE OF PUBLIC HEARING ON
12.11.501, 12.11.615, and 12.11.625) PROPOSED AMENDMENT AND
and the adoption of NEW RULE I) ADOPTION
pertaining to recreational use on the)
Blackfoot River Recreation Corridor)

TO: All Concerned Persons

1. On May 6, 2015, at 6:00 p.m., the Fish and Wildlife Commission will hold a public hearing at the Fish, Wildlife and Parks Region 2 Office, 3201 Spurgin Road, Missoula, Montana, to consider the proposed amendment and adoption of the above-stated rules.

2. The commission will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m. on April 3, 2015, to advise us of the nature of the accommodation that you need. Please contact Jessica Snyder, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, Montana, 59620-0701; telephone (406) 444-9785; fax (406) 444-7456; or e-mail jesssnyder@mt.gov.

3. The rules as proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

12.11.501 LIST OF WATER BODIES The following is a list of specific regulations on bodies of water with the reference where the rules regarding those bodies of water are located:

(1) through (13) remain the same.

(14) Blackfoot River Recreation Corridor [NEW RULE I]

(14) through (114) remain the same but are renumbered (15) through (115).

AUTH: 23-1-106, 23-2-302, 87-1-301, 87-1-303, MCA

IMP: 23-1-106, 23-2-302, 87-1-303, MCA

12.11.615 BLACKFOOT RIVER (1) The Blackfoot River and its tributaries are closed to use of any motorized watercraft from the headwaters of the Blackfoot River to the confluence with the Clark Fork River.

(2) A portion of the Blackfoot River is within the Blackfoot River Recreation Corridor and is regulated by [NEW RULE I].

AUTH: ~~23-1-106~~ 23-2-302, 87-1-303, MCA

IMP: ~~23-1-106~~ 23-2-302, 87-1-303, MCA

12.11.625 CLEARWATER RIVER (1) In Missoula County the Clearwater River is limited to a controlled no wake speed, as defined in ARM 12.11.101(1), in the following areas:

- (a) from the outlet of Seeley Lake to the first bridge downstream from Camp Paxon swim dock; and
- (b) the portion of the river from Boy Scout Road Bridge north of Seeley Lake to the mouth of the river at the north end of Seeley Lake.

(2) A portion of the Clearwater River is within the Blackfoot River Recreation Corridor and is regulated by [NEW RULE I].

AUTH: ~~23-1-106~~ 23-2-302, 87-1-303, MCA

IMP: ~~23-1-106~~ 23-2-302, 87-1-303, MCA

4. The rule as proposed to be adopted provides as follows:

NEW RULE I BLACKFOOT RIVER RECREATION CORRIDOR (1) The Blackfoot River Recreation Corridor includes:

- (a) a portion of the Blackfoot River from the Missoula-Powell County line downstream to Johnsrud Park; and
 - (b) a portion of the Clearwater River from Highway 200 downstream to the confluence with the Blackfoot River.
- (2) Unless otherwise signed, the public is permitted to occupy:
- (a) 50 feet above the ordinary high water mark from the Russell Gates Memorial to Corrick's Riverbend on the Blackfoot River;
 - (b) 50 feet above the ordinary high water mark from Clearwater Crossing to Clearwater Bridge on the Clearwater River; and
 - (c) 1/4 mile from the Blackfoot River or to the Corridor Road, whichever is greater, from Corrick's Riverbend to Johnsrud Park on the Blackfoot River.
- (3) Camping is permitted in designated areas only.
- (4) Building and maintaining a fire is permitted in designated areas only.
- (5) It is the responsibility of the public to know the current regulations, rules, and laws governing the use and occupancy of the land within the Blackfoot River Recreation Corridor. If there is any question, the stream access law should be applied.

AUTH: 23-2-302, 87-1-303, MCA

IMP: 23-2-302, 87-1-303, MCA

REASON: The Blackfoot Corridor Agreement was originally adopted in 1976 by landowners adjacent to the Blackfoot River in response to a rapid increase of recreational use on the river. The landowners wished to maintain the natural state of the river while still allowing for the tradition of reasonable public use on private land. The agreement creates a public travel zone along the river bank between parking areas where people can walk, fish, picnic, or carry river craft. The proposed rule language is in accordance with the agreement allowing for more effective management of the Blackfoot River Recreation Corridor. The areas that are not within the expanded areas will be signed and the public may not go above the

ordinary high water mark. Any and all other land use laws and restrictions will continue to apply to the area within the Blackfoot River Recreation Corridor.

5. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to Sharon Rose, Fish, Wildlife and Parks, 3201 Spurgin Road, Missoula, MT, 59804; fax 406-542-5529; e-mail shrose@mt.gov, and must be received no later than May 8, 2015.

6. Joe Jaquith or another hearing officer appointed by the department has been designated to preside over and conduct the hearing.

7. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department or commission. Persons who wish to have their name added to the list shall make written request that includes the name and mailing address of the person to receive the notice and specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, faxed to the office at (406) 444-7456, or may be made by completing the request form at any rules hearing held by the department.

8. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

9. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

10. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment and adoption of the above-referenced rules will not significantly and directly impact small businesses.

/s/ Dan Vermillion
Dan Vermillion, Chairman
Fish and Wildlife Commission

/s/ Aimee Fausser
Aimee Fausser
Rule Reviewer

Certified to the Secretary of State March 16, 2015.